

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

ZIH CORP.,)	
)	
)	
Plaintiff,)	CA No. 03-CV-12358-DPW
)	(Alexander, M.J.)
v.)	
)	
PAXAR CORPORATION)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(A)

Pursuant to 28 U.S.C. § 1404(a), Defendant Paxar Corporation respectfully moves to transfer this case to the Southern District of Ohio, where there are already two pending cases related to this action. The convenience of the witnesses, the convenience of the parties, the relative ease of access to sources of proof, and the interests of justice all favor transfer to the Southern District of Ohio.

Paxar Corp. is not aware of any documents, witnesses, or things located in this district. Moreover, Plaintiff ZIH Corp. (“ZIH”) is not a resident of this district; thus, ZIH’s choice of forum is entitled to little deference. Finally, two other cases between ZIH and Paxar Corp.’s subsidiary, Paxar Americas Inc., are already pending in Ohio. For these reasons and the reasons set forth in the Memorandum below, Paxar Corp. respectfully requests that this Court grant its Motion to Transfer.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Paxar Corp. respectfully requests oral argument on this motion.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned certifies that, on December 17, 2003, counsel for Defendant Paxar Corp., Steven J. Hampton and Sandra A. Frantzen, conferred by telephone with counsel for Plaintiff, Douglas A. Kline, in a good faith attempt to resolve or narrow the issues presented by this motion. Mr. Kline stated that Plaintiff will oppose a Motion to Transfer to the Southern District of Ohio. Accordingly, the parties were unable to resolve this issue.

Date: December 19, 2003

Respectfully submitted,

PAXAR CORPORATION
By its Attorneys,

/s/ Erik Paul Belt

Lee Carl Bromberg, BBO # 058480

Erik Paul Belt, BBO # 558620

BROMBERG & SUNSTEIN LLP

125 Summer Street

Boston, MA 02110

Tel: 617-443-9292

Fax: 617-443-0004

Email: ebelt@bromsun.com

Jean Dudek Kuelper, Esq.

Steven J. Hampton, Esq.

Sandra A. Frantzen, Esq.

McANDREWS, HELD &
MALLOY LTD.

500 West Madison Street, Suite 3400

Chicago, IL 60661

Telephone: (312) 775-8000

Facsimile: (312) 775-8100